

MEMO ENDORSE

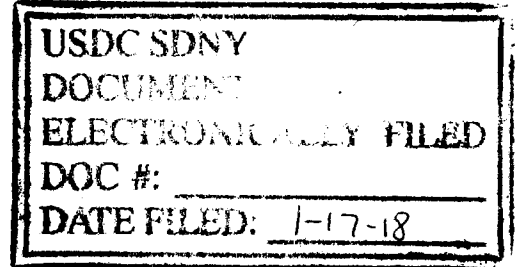
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January 17, 2018

BY ECF

Hon. John F. Keenan
United States District Court
Southern District of New York
500 Pearl Street, Room 1930
New York, New York 10007-1312



Re: Meer Enterprises, LLC v. Durson Kocak, et al, No.: 18-cv-0006 (JFK)

Dear Judge Keenan:

This office represents all the defendants in the above-referenced action. We write to address plaintiff's procedurally defective motion to remand, which was improperly filed by ECF late yesterday afternoon. As Your Honor's Individual Rules of Practice explicitly direct, "no motion papers shall be filed until the motion has been *fully briefed*." Thereafter, filing is not to occur by either party until "the date the last reply memorandum is due."

While the undersigned has been advised that the filing was the result of plaintiff's counsel overlooking Your Honor's rules, this nevertheless leaves defendants in a precarious position. First, as the motion has been improperly filed, defendants are uncertain whether their time to submit an opposition has been triggered. Further, defendants are now faced with the choice of proceeding to serve their opposition without filing it on ECF (and, thereby, risk defaulting on the motion) or, alternatively, filing an opposition on ECF in a continuing violation of Your Honor's rules.

The undersigned has spoken to plaintiff's counsel this morning by telephone and suggested that plaintiff withdraw the motion to remand (without prejudice) and proceed with briefing it in accordance with Your Honor's Individual Rules of Practice. Plaintiff's counsel has pointedly refused to do so.

Therefore, we respectfully request that the motion to remand be denied as procedurally improper and that plaintiff's counsel be directed to follow the procedures laid out in Your Honor's Individual Rules of Practice for the briefing of motions.

Thank you for Your Honor's consideration.

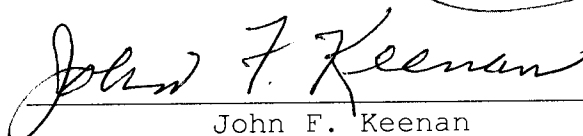
Defendants' request is denied.
Defendants shall file their
opposition to Plaintiff's motion to
remand on ECF by February 20, 2018.
Plaintiff shall file its reply on
ECF by March 7, 2018.

Respectfully submitted,


Stanislav Sharovskiy, Esq.

SO ORDERED.

Dated: New York, New York
January 17, 2018


John F. Keenan

United States District Judge